

**CCJJ Annual Meeting**  
Friday, October 7, 2005  
Gardner Village, "The Gathering Place"  
7800 South 1100 West  
10:00 a.m. – 4:00 p.m.

**Members Present:** Dan Becker, Scott Carver, Michele Christiansen, Freddie Cooper, Kay Cornaby, Robert Flowers, Senator Karen Hale, Judge Kay Lindsay, Dan Maldonado, Richard McKelvie, Sheriff Lynn Nelson, Stan Parrish, Chief Tom Paul, Judge Sandra Peuler, Reed Richards, Mark Shurtleff, Greg Skordas and David Yocom

**Staff Present:** Julie Christenson, Mary Lou Emerson, Reg Garff, Mike Haddon, Jennifer Hemenway, Jo Lynn Kruse, Diane Ngatuvai, Tom Patterson, Ned Searle, Briant Smith, Monica Taylor, David Walsh, Doreen Weyland and Richard Ziebarth

**Guests:** Holly Martak, Ed and Lisa McConkie, Mike Sibbett, Christine Watters

## **WELCOME**

### **CCJJ Mission Statement**

Chair Stan Parrish welcomed all present. Stan read the CCJJ Vision and Mission Statement as a review for the Commission members. Goals and objectives for the Commission were reviewed and communication and working together collaboratively and collectively were stressed.

## **LEGISLATION**

### **Racial and Ethnic Fairness Commission**

Michele Christiansen discussed running House Bill 292, "Commission on Racial and Ethnic Fairness" again during the 2006 Legislative Session. Michele would like to see all of the task force's considerable efforts moved forward in the form of this bill. Michele will be meeting with Gov. Huntsman to ensure that the \$122,800 fiscal note will be included in his budget this year. Obtaining a republican sponsor would be a strong plus.

*A motion was made and seconded to support this bill. The vote was unanimous in favor.*

### **State Task Force Funding/Surcharge**

Richard Ziebarth explained that Utah Drug Task Forces would normally split about \$2.5 million annually. However, with the loss of \$2 million in Byrne funding last year replaced by the Justice Assistance Grant (JAG) at only 50%, the task forces are facing a financial dilemma. FY 2006 JAG may be as low as \$1.5 to \$1.9 million. David Spatafore approached Richard about running a bill in an attempt to make up some of the shortfall. Dave Walsh reviewed the options; to use the 8.25% criminal fine surcharge fund or the General Fund to support the fiscal note in the bill.

*Dan Becker made a motion to support state task force funding through the general fund. The motion was seconded and unanimously approved.*

### **Prioritizing/Funding IT Projects**

Jennifer Hemenway presented a power point that detailed integrated criminal justice in Utah. Background was given for CCJJ's involvement. Utah's Integrated criminal Justice Information system (UCJIS) was reviewed from the connection through the exchange of information.

### **Methamphetamine Initiative/Drug Courts**

Governor Huntsman would like to roll out a methamphetamine initiative next year. Michele envisions the Governor's Office, Attorney General's, CCJJ, Human Services, Dept. of Health, Courts, Dept. of Corrections, Dept. of Public Service, the Dept. of Education and the Legislature being part of the collaborative core group. She would like to see a multidisciplinary approach taken to respond to the problem. The State can't arrest our way out of this problem. Several keys to success would include credible results, accurate research, not over promising results to the Legislature and a shared vision between all of the participants. Treatment and prevention would need to be an integral focus. All involved need to buy into the plan and put forth effort, time and financial commitment. Dan Becker added that a piece of the puzzle is expanding use of drug courts. There is a lot of momentum, currently the state is spending \$1.6 million to keep 16 drug courts up and running, but there are 31 that are operational statewide. Ultimately, the Dept. of Human Services will suggest that drug court funding be increased by an additional \$3.3 million this year.

## **REPORTS**

### **Drug Offender Reform Act (DORA)**

Mary Lou Emerson gave an overview of the Drug Offender Reform (DORA) Pilot Project. The pilot project is being conducted in Third District Court in Salt Lake County. The USAAV Council is overseeing the project. Mary Lou reviewed the DORA implementation guidelines that were adopted by USAAV at their June, 2005 meeting. Mike Haddon explained there are currently 77 DORA referrals since July 1. There are 25 sentencings scheduled for November with five being ordered in to DORA to date. Projections show that there will be 40-50 clients by December 31<sup>st</sup> and as many as 150 by June 30, 2005.

### **Consortium**

Russ Van Vleet updated the Commission on the Consortium effort. The center will be named, "Utah Center for Criminal Justice." Pending final approval of the Board of Regents in December the Center will be established and housed in the School of Social Work. The idea is to bring together twenty faculty members from five colleges, organize resources of the University and bring in expertise to help the Commission conduct its research agenda. In addition, there will be a curriculum that will include three colleges; law school, behavioral science and social work. Research will help with policy going to the legislature.

### **State Asset Forfeiture**

Doreen Weyland gave a brief history of asset forfeiture noting that Initiative B, passed March 29, 2001, prohibited any Utah law enforcement agency from receiving proceeds as a result of state or federal seizures and forfeitures. As a result law enforcement did one of three things; stopped doing seizures and forfeitures; continued to do seizures and forfeitures and sent proceeds to the Uniform School Fund or law enforcement chose to go federally on forfeitures and seizures understanding that the federal government would hold these funds pending a change in the law. During this time period \$1.1 million went into the Uniform School Fund. During the 2004 Legislative session S.B. 175 passed, giving CCJJ the responsibility to develop a grant program using state forfeiture funds. The same legislation also provides Utah law enforcement agencies the ability to receive funds being held by the federal government from asset forfeitures occurring since March 29, 2001 (Initiative B) and report on receipt of those funds annually to CCJJ and the state auditor. With the passage of Senate Bill 175, "The Crime Reduction Assistance Program" was created. Funds from this account will be appropriated to CCJJ to implement the Crime Reduction Assistance program, under the title State Asset Forfeiture Grants (SAFG). One-third of the CRFA allocation will be dedicated to Utah's drug courts. Another third will be dedicated to State and Local Law Enforcement grants in the form of competitive grants and; one-third of the CRFA allocation will be dedicated to Utah's 19 Byrne/JAG funded drug and gang task forces in an amount proportionate to what each of the 19 Byrne/JAG receives for the same year. Currently the fund contains \$56,906.95. It is possible within one to two years there will be sufficient funds to run a grant program with a minimum of \$100,000.

### **JAG/Reduction in Federal Funding**

Richard Ziebarth noted that the Justice Assistance Grant brings in 4.5 million to the state of Utah annually. There is an amendment in the Senate currently to appropriate \$900 million to the Justice Assistance program nationally. The House version stands at \$364 million, the hope is that the program will hit somewhere in the middle. Richard encouraged members to contact their federal representatives and express support for these amendments.

## **CCJJ ANNUAL AWARDS**

This year the Commission presented its annual award to Ed McConkie for his tenure as the CCJJ Executive Director and representation on the CCJJ Commission. Ed was noted for his many accomplishments and his dedication to making a positive difference. Mike Sibbett was also awarded. Mike served as the Board of Pardons and Parole representative on the Commission. His many years of service and influence has left a mark that will be felt for years to come.

## **COMMITTEE REPORTS**

### **Utah Board of Juvenile Justice (UBJJ)**

Reg Garff reported that UBJJ monitors Utah's compliance with the core requirements of the JJDP Act of 2002, which entitles Utah to over a million dollars in grant funding. UBJJ is funded through federal dollars. 51% of its membership is required to be non-government employees, bringing in good public input. UBJJ spearheads "Utah's Challenge to Do the Write Thing" campaign; 1500 essays came in from across the state last year detailing how violence has affected them. Winners travel to Washington, D.C. Detailed information regarding this program can be found at [www.juvenile.utah.gov](http://www.juvenile.utah.gov).

UBJJ submits a three year funding plan to the Office of Juvenile Justice Delinquency Prevention (OJJDP) for grant programs; Title II, Title V and JAIBG.

### **Utah Substance Abuse and Anti-Violence Coordination Council (USAACV)**

Mary Lou Emerson reviewed the Council's mandate and organizational structure. The Council has three subcommittees; DUI, Anti-Violence and Substance Abuse Services. Currently the USAACV Council is supporting the following legislation:

\*"E.A.S.Y. Program" – Eliminate Alcohol Sales to Youth (E.A.S.Y.) The purpose of this bill is to eliminate youth access to alcohol at grocery and convenience stores, and also provides for funding for a statewide media campaign and educational activities to reduce underage drinking.

\*"Ignition Interlock Law" – This bill would make Utah's ignition interlock statute more workable and address the inconsistent use of the devices by judges. It also provides an affirmative defense for offenders who must drive their employer's vehicle as part of their job, and adds ignition interlock to the Implied Consent section of the statute.

The Council also oversees the annual alcohol beer tax allocation in Utah.

### **Sentencing Commission**

Tom Patterson explained that the Sentencing Commission developed modifications to the adult guidelines in regard to drug possession only cases. Additionally, the Commission has been looking at sex offenses; a bill will be drafted to change sexual battery to unlawful touching. The Anomalies Committee will be looking at the voyeurism issue to determine if modifications need to be made. Recently, "Lori's Law" has generated a lot of coverage. Mark Hacking was sentenced from 6 years to life. Even though the Board of Pardons set a parole hearing date for 30 years, the public perception was that he might only get six years for his crime. The Sentencing Commission will endorse a bill that will change murder to 15 years to life. There will be no impact on the system, however, the public will feel safer. Tom explained that our system is covering mandatory minimum sentencing well; the Board of Pardons is a good gatekeeper. It doesn't look favorable to implement mandatory minimums across the board.

### **Crime Victim Reparations**

Christine Watters explained CVR's foremost issue is compensating victims of physical violence and psychological injuries as well as families and dependents of deceased victims. Another primary concern is victim assistance. The compensation program has averaged funds awarded totaling \$6.6 million over the past three years. The 2005 program year awarded 6,247 claims. The top payout areas were: 1) medical at \$2.6 million, (2) mental health at \$1.1 million, (3) sexual assault exams at \$480,000, (4) rent at \$419,000 and (5) relocation at \$390,000. Aggravated assault crimes totaled 35%, child physical and sexual assault totaled 34% and domestic violence was 10%. Christine gave a power point presentation regarding the 2005 Victims of Crime Grant Program and the S.T.O.P. Violence Against Women Grant Program.

### **Council on Victims**

Reed Richards explained that the victim's movement began in Utah about 20 years ago. Several college are working together to create a Victimology degree that would allow graduates to go directly into victim service organizations and provide great services. The legislative efforts by the Council on Victims have been significant. This year the Victim's Council will look at changing the statute of limitations on civil cases for assault and changing bail to make it tougher. There will be several changes in restitution provisions. Grand juries help to alleviate the amount of trauma that occurs to victims in the preliminary hearing phase, therefore, a proposal is being made to allow grand juries to be called at the optional request of the prosecutor by making that request to the presiding judge in that district – more easily accessible to a prosecutor. Restitution orders will be reviewed so principal would be paid first, and interest at the end. They are considering reducing the amount of time that a sex offender has to register after they change their address when they move or when they come into the state. Improving tracking and enforcement is on their list of priorities as well.

### **Violence Against Women and Families**

Ned Searle gave a presentation regarding Violence Against Women and Families (VAWAF). Currently, Dan Jones is finishing up the second Domestic Violence Survey with results expected in November. The VAWAF Cabinet Council has been working on domestic violence guidelines for state employees. This includes information for supervisors and management on how to respond to domestic violence issues that may happen. An icon will be placed on every state employee's computer allowing access to their department's policies. Another project is the universal domestic violence reporting form that will gather information for prosecutors and law enforcement. 35-40% of homicides each year are related to domestic violence, Ned's role is to help determine how to reduce those numbers. The VAWA Act was recently authorized through Congress, Ned reiterated that this money is also available to male victims in the community. This

money is also to be used to combat dating violence. Rep. Litvack will sponsor a bill for the 2006 General Session entitled, "Domestic Violence and Dating Violence Amendments." This bill provides for the issuance, modification, and enforcement of protective orders between certain individuals who are, or have been, in a dating relationship, and for the provision of services to victims of dating violence. Another bill will run preventing utility shutoffs to victims and their families.

### **Rape in Utah Report**

Julie Christenson gave a power point presentation outlining the findings from the "Rape in Utah" report. CCJJ has interest in the issue of sexual violence because rape is the only violent index crime that actually exceeds the national average. Other violent crimes are typically 2-3 times under the national average. Results from this survey provide a better understanding of the extent to which sexually related violence occurs in our state, the impact it has on victims, and the effectiveness of those who respond to those violated. The results may be used in policy development and program improvement to better address the needs of those who have become, or may become, victims of sexual violence. The survey was conducted by telephone to Utah women who were 18 years of age or older. 12.7% of respondents have been raped in their life; this translates that approximately one in eight women in Utah will be raped sometime during their lifetime. A copy of the report was distributed.

### **Sexual Violence Council**

Mike Haddon distributed copies of the 2005 Utah Crime Victimization Survey. Governor Huntsman requested that a workgroup be assembled to study sexual violence issues. As a result of the workgroup, the Sexual Violence Council was created. It consists of twenty various agencies/organizations that will take a comprehensive approach to sexual violence; from prevention, through registration and treatment of both victims and perpetrators. This will be a long term effort.

*A motion was made by Dan Maldonado and seconded by Don Blanchard to make the Sexual Violence Council a subcommittee of the USAAV Council. The motion passed unanimously.*

## **FUTURE PLANNING**

### **Justice IT Budget Requests**

Jennifer Hemenway summarized the Justice IT Budget Requests as follows: Corrections: \$250,000 (DataMart), Dept. of Public Safety: \$750,000 (OMNI Link) and \$1,800,000 for three year replacement of IT equipment. CCJJ needs \$50,000 for Jail Connect. The Dept. of Technology Services (DTS) has to take these and all other requests for IT and rate them and put them into a budget priority list. Everyone in criminal justice will use this technology. It is more a network infrastructure issue than an individual department issue. It was suggested that the Commission take a position that the infrastructure pieces of these budget requests should be carried by DTS and not by individual agencies. The question was posed to the Commission if they would like to take any priorities at all or send a message to GOPB that this should fall to DTS.

*A motion was made and seconded to support the increased funding and the need for electronic technical services. The motion was unanimously approved.*

### **Switch in Funding for CCJJ**

Money was taken from the 2003 General Fund to balance shortfalls and placed into the CVR Trust Fund which paid for CCJJ employee salaries. This year, CCJJ has made it a top priority to have this reversed and have this money removed from CVR and placed back in the general fund, freeing up money to go to victims rather than pay employee salaries.

*A motion was made by Dan Becker that the Commission recommends the funding for CCJJ revert back to general fund appropriations and not be funded by the CVR trust fund. The motion was seconded and passed unanimously.*

## **PRIORITIZING**

In summary Michele noted the opportunity for the Commission to really move forward with the meth initiative. The possibility of a meth or criminal justice summit in the near future is something she would like to see. Michele thanked all of her predecessors for their hard work, and expressed gratitude to the Commission members for extending such a welcoming hand to her when she came on board this year.

## **NEXT MEETING**

The next meeting of the full commission will be held on **Tuesday, December 6<sup>th</sup> at noon** in the Governor's Board Room. Lunch will be provided.

